

**EXAMINATION OF THE STROUD DISTRICT LOCAL  
PLAN REVIEW**

**INSPECTORS' MATTERS, ISSUES AND QUESTIONS**

**MATTER 1:**

**Compliance with statutory procedures and legal  
matters**

**On behalf of: Robert Hitchins Ltd**

Date: February 2023 | Pegasus Ref: SHF/P17-2258

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## Document Management.

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Pegasus is instructed by Robert Hitchins Ltd to submit a Statement in respect of Matter 1, pursuant to the Matters and Questions identified by the Examination Inspectors.

Separately additional Statements have been submitted in respect of the following Matters:

- Matter 1
- Matter 2
- Matter 3
- Matter 6
- Matter 6a
- Matter 6c
- Matter 6d
- Matter 6g
- Matter 7
  - Matter 7a
  - Matter 7b
  - Matter 7c
- Matter 8
- Matter 10
  - Matter 10a
  - Matter 10c
  - Matter 10d
- Matter 11
  - Matter 11a
  - Matter 11b
  - Matter 11c

Following the submission of the Reg 19 representations in July 2021 Pegasus along with PFA Consulting and Pioneer Housing and Development Consultants have also responded to the Stroud District Local Plan Review Additional Technical Evidence in October 2022.

The Hearing Statements should be read alongside our representations and supporting evidence. As instructed, we have not repeated our representations of July 2021 or October 2022; but instead sort to highlight the salient points in response to the MIQs and indicated what changes we consider necessary in order for the Plan to be found sound.



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**1. MATTER 1- COMPLIANCE WITH STATUTORY PROCEDURES AND LEGAL MATTERS**

**1.1 Issue 1.1 – Has the Council met the statutory duty to cooperate as set out under Sections 20(5)c and 33A of the Planning and Compulsory Purchase Act 2004?**

**1. Has the Council submitted robust evidence to demonstrate that the duty to cooperate has been met? In particular:**

- a. Have all relevant strategic matters been identified and has the process for identification been robust? What actions have been taken to address these matters and are there any outstanding concerns?**
- b. Has the Council carried out effective engagement with neighbouring local authorities and other prescribed bodies on all relevant strategic matters and have all outcomes been adequately evidenced? Is there robust evidence to support the cooperation activities that have taken place?**
- c. Have any unmet needs been appropriately considered when preparing the Plan?**

1.1 EB3 provides a statement on the Duty to Co-operate and we have no issues with this.

1.2 Our concerns as set out in our representations are in respect of the identification of land at Whaddon to make a contribution to meeting any unmet needs arising from Gloucester City. Subject to the site being required to meet the needs, and providing locating growth at Whaddon is consistent with the approved strategy for the JCS; then this case is accepted. However, where we have raised concerns is that if the site at Whaddon is not required, this location should not be included to meet Stroud's needs such an approach would result in approximately 5,100 dwellings in the Gloucester fringe meeting Stroud's needs, i.e., 64% of the residual housing requirement as currently proposed (i.e., with Hunts Grove and South of Hardwicke). It is considered that Stroud's needs should be met across the district at the most sustainable locations where the needs arise.

1.3 It is noted that paragraphs 5.13 – 5.19 of EB3 sets out the position regarding unmet need at the time the Stroud Local Plan was submitted in October 2021. This position needs to be updated to clarify the extent of any unmet need. Progress on the JCS Review has not been made as envisaged in EB3. According to the latest published timescale a Preferred Options Consultation is anticipated in Spring 2023.

**1.2 Issue 1.2 – Has the Plan been prepared in accordance with other legal and procedural requirements?**

1.4 We have no issues with the preparation of the plan in so far as legal and procedural requirements are concerned.

**Sustainability appraisal (SA)**

**2. Paragraph 32 of the National Planning Policy Framework (the Framework) indicates that local plans should be informed throughout their preparation by a SA that meets the relevant legal requirements.**

- a. **Has the SA methodology been robust? Are the key sustainability issues identified comprehensive and are they suitably reflected in the SA objectives and sub-objectives?**

2.1 No comments.

3. **Does the SA adequately consider the likely significant effects of reasonable alternatives where these exist, including in respect of the scale of housing and employment provision and the balance between them?**

3.1 The approach considers other reasonable alternatives, but the outcome is not consistent with concentrating housing development at locations where there is currently the best access to services, facilities, jobs and infrastructure; neither is it consistent with concentrating employment growth within the A38/M5 corridor and at locations in tandem with housing growth. See comments below to Question 5.

3.2 Whilst it is accepted that omission sites cannot be discussed; the issue here is in terms of the SA of all reasonable sites and how this has influenced the strategy and the sites included in the Plan.

4. **Has appropriate account been taken of the Cotswolds Area of Outstanding Natural Beauty (AONB) and other natural and historic environment designations within the appraisal and the alternatives assessed?**

4.1 No comments.

5. **Have unreasonable alternatives been appropriately considered and have adequate reasons been given as to why these have not been selected?**

5.1 The PPG Strategic Environmental Assessment and Sustainability Appraisal states that: *"The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted."* The *"reasonable alternatives are the different realistic options considered by the plan maker in developing the plan."* Paragraph: O18 Reference ID: 11-O18-20140306

5.2 The SA (CD3) has considered the reasonable alternatives; however adequate reasons have not been given as to why land at Sharpness (PS36) has been selected when compared to other reasonable alternatives. Our objection as set out in our representations (in particular to PS36) is to the conclusions reached in the SA having identified, described and evaluated the likely significant effects on the environment of implementing the plan policies and of the reasonable alternatives, that this site is included in the Plan when other alternative sites scored higher.

5.3 In respect of Grove End Farm, Whitminster which has been appraised by LUC (LUC report May 2021 pages 559 WHI007 and page 655 WHI011, assessment WHI014/PGP1 assesses the (combined site WHI007 & WHI011) (2,250 dwellings, 18ha employment land, local centre, primary school and sports pitches) page 658 of CD3b SA Appendices 3-9.

- 5.4 For Grove End Farm the SA (CD3b) concludes at page 954 (hard copy page number):

**“Having considered the results of public consultation, assessment work and local evidence, the Council has decided not to take this growth point forward into the Pre-submission Draft Local Plan. The site performs less well than alternatives sites in terms of meeting sustainability appraisal objectives and compatibility with the proposed development strategy.”**

- 5.4 Pegasus strongly object to this conclusion, for many reasons which are set out in our representations. It is inconceivable that this conclusion has been reached on the basis of the evidence. Land at Grove End Farm, Whitminster is a far superior sustainable location which can deliver a comprehensive mixed use development which links with and complements the existing settlement pattern and provides for housing, employment, social and recreational needs with access to extensive green infrastructure. The Site is located on the Main Movement Corridor as defined in the Stroud Sustainable Transport Strategy. Adequate reasons have not been given as to why Grove End Farm has not been selected.

- 5.5 We have provided as part of the appendices to the representations on PS36, a critique of the SA for Sharpness, the critique compares the assessment for land at Sharpness with the assessment for land at Grove End Farm, Whitminster.

- 5.6 If the scoring of Grove End Farm, Whitminster is compared with PS36 Sharpness it is evident that there are many anomalies and that the more sustainable site is land a Grove End Farm.

- 5.7 It is acknowledged as in paragraph 2.13 of CD3 that:

**“The SA findings are not the only factors taken into account by a local planning authority when selecting options to take forward in a plan. Indeed, there will often be an equal number of positive or negative effects identified for each option, such that it is not possible to ‘rank’ them based on sustainability performance in order to select an option. Factors such as public opinion, deliverability and conformity with national policy will also be taken into account by plan-makers when selecting options for their plan.”**

- 5.8 However, it is evident that there are significant issues associated with the proposed allocation at Sharpness which are set out in our representations, and refer to other parts of the evidence, not only the SA for example:

- The Stroud Sustainable Transport Strategy confirms that in order to address the Housing Crisis and Climate Emergency, accessible, sustainable transport needs to be placed at the heart of planning for growth and recognise it as fundamental to policy-shaping and decision-making.
- Paragraph 103 of the NPPF (2019) states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- The proposed new settlement/community at Sharpness is not a location which is considered sustainable, neither does it have potential to become sustainable

development, nor does it support the Strategic Objectives of the emerging Local Plan.

- Three main movement corridors have been identified by the Stroud Sustainable Transport Strategy, where integrated packages of initiatives can be delivered, which can “showcase multimodal use with a focus on sustainable travel modes” and underpin the allocation of sites for strategic development in the emerging Local Plan. The strategy recognises that it is important to focus limited resources where the greatest benefits can be achieved.
- Sharpness is a location which is some significant distance from the main movement corridors and major centres of employment, and it is therefore considered that it cannot provide a sustainable opportunity for development.
- The Stroud Sustainable Transport Strategy acknowledges that Sharpness has an issue of “relative remoteness” (page 29), particularly in public transport terms. This is echoed in the Infrastructure Delivery Plan, which goes on to state that this increases demand for private car use.
- Because of the scale of development, remoteness of the location and likely spread of workplace destinations, the commercial case to provide a relevant bus or coach-based public transport service from Sharpness is questioned by both Gloucestershire County Council, in its role as local highway authority, and Stagecoach, a highly experienced public transport operator.
- The re-opening of the Sharpness branch line for rail passenger services is required to underpin the transport offer from Sharpness. However, there is no evidence to demonstrate that this can be delivered, and it therefore cannot be guaranteed.
- The traffic modelling evidence under plays the traffic impacts on the wider highway network from the proposed allocation at Sharpness. Further mitigation to that identified in the ‘Preferred Highway Mitigation Strategy’ would likely be required should the development traffic reductions assumed by the sustainable travel interventions and/or the assumed distribution patterns not be realised.
- Based on the uncertainty of effects on habitats likely to be used by qualifying bird species of the Severn Estuary Special Protection Area and the efficacy of the proposed mitigation measures (particularly in the context of climate change) it is considered that the proposed PS36 allocation does not meet the legal requirements of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) as amended by the Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019.
- In respect of a new community at Sharpness it is considered that due to the level of environmental designations and constraints in and around the proposed development area, which will require extensive mitigation, this will have a significant impact on viability and hence deliverability of the proposal. In turn this may also impact on the ability of this proposed development to deliver other policy requirements of the plan.



**6. Is it clear how the SA has informed judgements about future growth within the Plan and the choice of spatial strategy? Does it support the spatial strategy or is there anything in the SA which indicates that changes should be made to the Plan?**

6.1 It is considered that it is not clear how the SA has informed the judgements about future growth within the Plan and the choice of the spatial strategy (in respect of the proposed allocation at Sharpness (this is set out in our representations to PS36) and is evident from our comparative assessment for Sharpness and Grove End Farm.

**7. Overall, does the SA adequately assess the environmental, social and economic effects of the Plan in accordance with legal and national policy requirements?**

7.1 It is considered that the SA does not adequately assess the environmental, social and economic effects of the Plan, there are anomalies in interpreting the evidence and how the assessments have informed the conclusions of the SA. It is acknowledged that the SA is part of the process of preparing the Plan, but there are significant discrepancies in the interpretation of evidence – this is most apparent in the consideration of land at Sharpness for a new settlement compared with the reasonable alternative of land at Grove End Farm, Whitminster.

**Habitats Regulations Assessment (HRA)**

**8. Does the HRA meet the legal requirements for Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended)?**

8.1 No comments

**9. Does the HRA adequately address whether the Plan would adversely affect the integrity of relevant European sites either alone or in combination with other plans or projects? Are the HRA conclusions robust?**

9.1 No comments

**10. Have all HRA recommendations been suitably reflected in the Plan?**

10.1 No comments. This is a question for the Council.

**Consultation**

**11. Has the Plan been prepared in accordance with the Council's Statement of Community Involvement and statutory consultation requirements? Has all relevant and available evidence been made available for consultation, at the various stages of Plan preparation?**

11.1 This is a matter for the Council.

### Other regulatory and procedural requirements

12. **Regulation 8(5) of the Town and Country Planning (Local Plan) (England) Regulations 2012 requires any new plan to list the policies in existing adopted plans which it is intended to supersede. The Plan before us appears to be a review of the existing adopted Stroud Local Plan (2015). Is the Plan proposing to supersede all the policies in this existing adopted plan and if so is this clearly set out? Is the Plan proposing to supersede any other adopted plans? Is there a list of policies proposed to be superseded, as required by the Regulations?**

12.1 This is a matter for the Council to respond to.

13. **The Plan identifies 'Core Policies' and 'Delivery Policies'. Paragraph 21 of the National Planning Policy Framework (the Framework) requires plans to 'make explicit which policies are strategic policies, and that these should be limited to the strategic priorities for the area and any relevant cross-boundary issues. Does the Plan accord with this requirement? Are strategic and non-strategic policies clearly distinguishable?**

13.1 The plan in our view does not comply with the requirement in paragraph 21 of the NPPF. We have stated that as currently presented it is not necessarily clear which policies are strategic and which policies are non-strategic. This may well be a simple presentation issue that can be rectified in the final version of the Plan. Where a single plan is prepared, as in the case of Stroud, the non-strategic policies should be clearly distinguished from the strategic policies.

13.2 A similar issue arose recently with the Bath and North East Somerset Local Plan Partial Review. The Inspector in his report (December 2022) File Ref: PINS/F0114/429/7 stated that at his request the Council has undertaken an assessment of which of the policies (from the Core Strategy, Placemaking Plan and Partial Review are strategic (not all the policies can be strategic as the Council had submitted).

13.3 The NPPF in paragraph 22 says that strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.

13.4 It was one of the main modifications of the development plan to identify the strategic policies so as to ensure consistency with national policy. This was set out through amendments to the explanatory text in MM1 and by the list of strategic policies in MM41.

14. **In relation to the Public Sector Equality Duty, we note that the Council has submitted an 'Equalities Impact Assessment Form' dated September 2021. Are the positive and neutral impact findings of this assessment reasonable? Is it clear how the Plan seeks to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010, in relation to those who have a relevant protected characteristic?**

14.1 No comments.

**Town & Country Planning Act 1990 (as amended)**  
**Planning and Compulsory Purchase Act 2004**

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